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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/764,507 | 01/27/2004 | Hiroshi Mochizuki | 026575-068 | 9258 |
| 21839 | 7590 | 07/25/2007 | | |
| BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | EXAMINER NATNITHITHADHA, NAVIN | |
| | | | ART UNIT 3735 | PAPER NUMBER |
| | | | MAIL DATE 07/25/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary

Application No.

10/764,507

Applicant(s)

MOCHIZUKI, HIROSHI

Examiner

Navin Natnithithadha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 July 2007 has been entered.

Response to Amendment

2. Claim 18 has been amended. Claims 1-17 have been cancelled. Claims 37-43 have been added. Claims 18-43 are pending.
3. The 35 U.S.C. 112, second paragraph, rejections to claim 36 is WITHDRAWN in view of the Amendment, filed on 07 May 2007.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 27 July 2001. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States

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application was filed more than twelve months thereafter. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Response to Arguments

5. Applicant's arguments with respect to claims 18-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 18-20, 23-27, 30-33, and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita, US 5,406,954 A ("Tomita"), in view of Sano et al, US 5,511,551 A ("Sano").

Claims 18-20, 23-27, 30-33, and 35-43: Tomita teaches a cuff apparatus for measuring blood pressure in left and right upper arms (see fig. 33), comprising:

a chasis (see solid outer line of element 500 in fig. 33) 500;

a hollow cylindrical airbag 520 having inner and outer walls, and received in the chasis 500;

first 530/613 and second 530/617 microphones, so that the first microphone 613 detects Korotkoff sounds at the right upper arm of the human body when the right upper arm is inserted through and covered with the hollow cylindrical airbag 520 and the

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compressed air is introduced into the airbag 520, and the second microphone 617 detects Korotkoff sounds at the right upper arm of the human body when the right upper arm is inserted through and covered with the hollow cylindrical airbag 520 and the compressed air is introduced into the airbag 520 (rear bag 530 combined with sound wave sensor 613 or 617 perform the function of a microphone, i.e. detecting Korotkoff sounds, depending on whether the right upper arm or left upper arm is placed inside cuff 500, see col. 29, ll. 47-50, and col. 30, ll. 13-38).

Tomita does not teach "a plurality of cushions provided in the airbag, for causing the airbag to remain in an inflated state before compressed air is introduced into the airbag" along with the subject matter of claims 19, 20, 23-27, 30-33, 35, and 36. However, Sano teaches a cuff apparatus (cuff, see fig. 1) for measuring blood pressures, comprising: a chassis (cylindrical outer case) 4; a hollow cylindrical airbag (chamber for compressed air) 6; a plurality of fixed cushions (protruding bodies, see figs. 1 and 3) 12, which have uneven sides (not flat) on an inner surface and are spaced apart in a lengthwise direction of the airbag; and an elastic band-shaped member (belt) 1; wherein the cylindrical airbag is formed by bending an elongated rectangular airbag strip in a cylindrical shape, and overlapping opposite end portions of the airbag strip in a longitudinal direction thereof (see figs. 2, 3, 9-11); an auxiliary cushion (one of the plurality of cushions, see fig. 14) is provided at least one of the ends of the airbag; a plurality of fasteners, each having a flange (screws, not labeled, in fig. 7) shaped like a mushroom cap, and the chassis has engagement holes, which are shaped like a gourd, in which the flanges of the fasteners are fitted (screwed in), thereby fastening the airbag

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6 to the chassis 4; a fastener (connector tube) 5 having a conduit therein for supplying and discharging compressed air into and from the airbag, and for detecting pressure of the compressed air in the airbag (see col. 6, ll. 31-33 and 63-66); and a cloth cover 121 having a securing ring 122 to removably secure the cloth cover 121 to the housing (cuff main unit) 120 (see fig. 13). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Tomita's blood pressure cuff structure to have the structure of Sano's blood pressure cuff because Sano suggests that his blood pressure cuff can be used for objects other than a finger, in which an upper arm would be such an object ("To measure a patient's blood pressure, one inserts the object to be measured (a finger, for example) and the length of the portion of cuff in contact with the object to be measured does not vary," see col. 2, ll. 17-21; "To measure a patient's blood pressure, one inserts the object to be measured (i.e., a finger) and compressed air is pumped into the chamber," see col. 2, ll. 54-57; and see col. 5, ll. 28-30 and 46-55). Nevertheless, both Tomita and Sano are cuffs that are used to measure blood pressure.

7. Claims 21, 22, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita in view of Sano, as applied to claim 18 above, and further in view of over Castro et al, US 3,752,147 A ("Castro").

Claims 21, 22, 28, and 29: Tomita in view of Sano does not teach attaching or providing a microphone to the airbag. However, Castro teaches a cloth cover 11, an airbag 12, and means 15 for attaching or incorporating a microphone and/or its components, i.e.

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cable, to a surface of an airbag 12 (see fig. 1 and col. 2, lines 14-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Tomita in view of Sano to have a means for attaching or incorporating microphone(s) to a particular surface of the airbag 6 in order to detect have secure placement of the microphone(s) to the airbag.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita in view of Sano, as applied to claim 32 above, and further in view of over Pillsbury, US 5,277,187 A ("Pillsbury").

Claim 34: Tomita in view of Sano does not teach a filter provided in a conduit.

However, Pillsbury teaches a pneumatic system 101 including an inflatable cuff 102, a conduit 104, a filter 106, and the conduit 108 (see fig. 4 and col. 3, ll. 28-37). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Sano's conduit 5 to have a filter in order to filter dirt, dust, and debris of a predetermined size from the airbag (see Pillsbury, col. 3, ll. 32-36).

Conclusion

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II, can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Navin Natnithithadha
Patent Examiner
Art Unit 3735
07/23/2007